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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,333	08/09/2001	Thomas Mammone	01.38US	4422

7590 08/29/2005

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EXAMINER

WHITE, EVERETT NMN

ART UNIT PAPER NUMBER

1623

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/925,333

**Applicant(s)**

MAMMONE ET AL.

**Examiner**

Everett White

**Art Unit**

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10-14 and 17-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1 and 4-6 is/are allowed.  
6) ☒ Claim(s) 7,10-14 and 17-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/14/2005.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The amendment filed June 2, 2005 has been received, entered and carefully considered. The amendment affects the instant application accordingly:
  - (A) Claims 2, 3, 8, 9, 15 and 16 have been canceled;
  - (B) Claims 1, 4, 6, 7, 10, 12, 13, 17 and 19 have been amended;
  - (C) Comments regarding Office Action have been provided drawn to:
    - (I) 2<sup>nd</sup> paragraph rejection, which has been withdrawn;
    - (II) Non-Compliant amendment, which has been withdrawn.
2. Claims 1, 4-7, 10-14 and 17-19 are pending in the case.
3. The text of those sections of title 35, U. S. Code not included in this action can be found in a prior Office action.

### ***Allowability of Claims Withdrawn***

The indicated allowability of claims 7, 11-14, 18 and 19 is withdrawn in view of the Ferguson (US Patent No. 5,520,926, already of record). A rejection based on this reference follows.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7, 10-14 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferguson (US Patent No. 5,520,926, already of record).

Applicants claim method for increasing levels of glycosaminoglycans in skin comprising applying to the skin a composition containing an effective amount of a mannose phosphate. Additional limitations in the dependent claims include the mannose phosphate being mannose-6-phosphate, the use of a specific amount of

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mannose phosphate, and the method having specific skin conditions, which include dry skin, lines and wrinkles, and symptoms of chrono- and photoaging.

The Ferguson patent discloses mannose 6- and 1-phosphates as being useful in the treatment of fibrotic disorders (see abstract). See column 4, lines 28-31, wherein the Ferguson patent discloses the invention thereof as being "primarily of interest in relation to skin wounds, whether arising through surgery or other wise, including severe abrasions laceration and burns, but is also applicable to fibrotic disorders, which includes photo-damage." See the examples disclosed in the Ferguson patent wherein the amounts of mannose phosphates used in the treatments are disclosed, which appear to be within the scope of the amounts of mannose phosphate set forth in the instant claims. The use of mannose phosphate to treat fibrotic disorders, which include and photo-damage, in the Ferguson patent anticipates the instantly claimed method of increasing levels of glycosamioglycans in skin, since the instants claims disclose that photoaging of skin is a condition associated with reduced level of glycosaminoglycans in the skin (see instant Claim 14).

6. Applicant's arguments with respect to Claims 7, 10-14 and 17-19 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

7. Claims 1 and 4-6 are allowed.

***Reasons For Allowance***

8. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or fairly suggest applying a mannose phosphate to skin in a method to exfoliate skin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Summary**

9. Claims 1 and 4-6 are allowed; Claims 7, 10-14 and 17-19 are rejected.

**Examiner's Telephone Number, Fax Number, and Other Information**

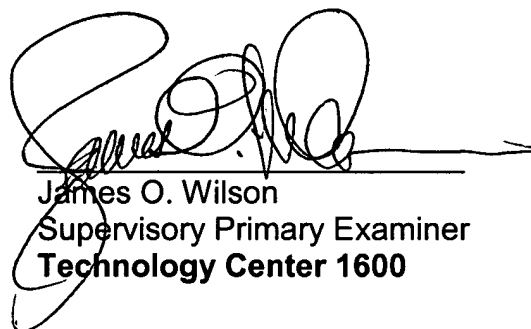
10. For 24 hour access to patent application information 7 days per week, or for filing applications, please visit our website at [www.uspto.gov](http://www.uspto.gov) and click on the button "Patent Electronic Business Center" for more information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Everett White whose telephone number is (571) 272-0660. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached on (571) 272-0661. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

  
E.White

  
James O. Wilson  
Supervisory Primary Examiner  
Technology Center 1600